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5 Attorneys for Defendant
6 INTEGRITY INVESTMENT GROUP, LLC
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN R. MCLEAN,)
Plaintiff,)
v.)
WORLD SAVINGS FSB; INTEGRITY)
INVESTMENT GROUP, LLC; GOLDEN)
WEST SAVINGS ASSOCIATION)
SERVICE CO.; SUSAN FEDERIGHI; BILL)
FORD; JEFFREY FORD; CALIFORNIA)
FRANCHISE TAX BOARD; WILLIAM L.)
VEEN,)
Defendants.)

)

No. 07-05594 JSW

**NOTICE OF MOTION AND
MOTION TO DISMISS [FRCP
RULE 12 (b)(1) and 12(b)(6)]**

**Date: February 29, 2008
Time: 9:00 a.m.
Courtroom: Hon. Jeffrey S. White,
Courtroom 2, 17th Floor**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on February 29, 2008 at 9:00 a.m., before the Hon. Jeffrey S. White, United States District Court, Courtroom 2, 17th Floor, 450 Golden Gate Avenue, San Francisco, California 94102, pursuant to Federal Rule of Civil Procedure Rule 12(b)(1) and 12(b)(6), Defendant Integrity Investments, LLC, specially appearing herein, will move the court for an order dismissing this case with prejudice, on the grounds that 1) under Rule 12(b)(1), the

1 court is without subject matter jurisdiction to hear and determine the claims against this defendant
2 because there is no federal question or other federal subject matter jurisdiction over the alleged
3 state law non-judicial foreclosure or eviction action; and 2) pursuant to Rule 12(b)(6), without
4 prejudice to the alternate motion, the complaint fails to state a claim for relief against this defendant
5 because it is a bona fide third party purchaser for value at the sale.

6 The motion will be based upon this Notice; the Memorandum of Points & Authorities, filed
7 herein and served herewith; and such other evidence and argument as may presented by the moving
8 party at or prior to the hearing of the motion.

9 Dated: January 23, 2008

LAW OFFICES OF MARK J. ROMEO

10 By /S/Mark J. Romeo
11 MARK J. ROMEO
12 Attorneys for Defendant
13 INTEGRITY Investment Group LLC

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PROOF OF SERVICE

I am employed in the City and County of San Francisco, California. I am over the age of 18 years and not a party to the within action; my business address is 130 Sutter Street, 7th Floor, San Francisco, CA 94104.

On January 23, 2008, I served the foregoing document(s) on the interested party(ies) in this action by placing a true copy XX the original of said document(s) in a sealed envelope(s) addressed as stated below and

BY MAIL

I deposited such envelope(s) in the mail at San Francisco,

— I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice, the mail would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

BY PERSONAL SERVICE

____ Personally hand delivered said document(s) to addressee
I caused said document(s) to be served via personal service

BY OVERNIGHT MESSENGER

I caused said document(s) to be served by for next-day delivery, by agreement with tenants

BY FACSIMILE

____ And I faxed such document(s) to telephone number. A transaction report confirming a successful transmission was obtained.

BY certified or registered mail

I deposited such envelope(s) in the mail at San Francisco, California with the U.S. postal service on that same day with postage thereon fully prepaid, certified mail, return receipt requested.

Plaintiff

Kevin R. McLean
Law Offices of Belli & McLean
473 Jackson Street, Second Floor
San Francisco, CA 94111

Defendants World Savings, Golden West Savings Association Service Company

JACK R. NELSON
R. EUNA KIM
REED SMITH LLP
POB 7936

San Francisco, CA 94120-7936

Defendants Bill Ford, Jeffrey Ford, Susan Federighi

BILL FORD
1455 Sierra Drive
Pacifica, CA 94044

DOCUMENT(S) SERVED:

Not of Motion

Memo P&A

Proposed Order

x I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 23, 2008 at San Francisco, California.

Mark J. Romeo
Type or Print Name

/s/ Mark J. Romeo
Signature